

REMARKS/ARGUMENTS

Claims 25-29, 31, 34, 43, 49-53, 56, 58, 76 and 82-86 are present in this application. By this Amendment, claims 25 and 49 have been amended, claims 30, 32, 33, 35-42, 44-48, 54, 55, 57, 74, 75 and 77-81 have been canceled, and claims 82-86 have been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim 42 was rejected under 35 U.S.C. §112, second paragraph. Without conceding this rejection, claim 42 has been canceled. Withdrawal of the rejection is requested.

Claims 25-28, 31-34, 38-40, 43, 44, 49-52, 55-58, 74, 75, 77 and 78 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,889,248 to Bennett. This rejection is respectfully traversed.

Without conceding the grounds of rejection, independent claims 25 and 49 have been amended to more specifically encompass the configuration shown in Figs. 10 and 11. The features are based on the combination of features set forth in the specification at page 1, lines 25-28 and page 2, lines 1-5. Important features of the configuration include, for example, (i) the deep sided slot, and (ii) the circumferential portions 12B, 12C. An additional important feature defined in dependent claims includes (iii) the convex portion with product access opening. At least these features of the invention are lacking in the cited Bennett patent. Applicant thus respectfully submits that the rejection of independent claims 25 and 49 should be withdrawn. With regard to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 80 and 81 were rejected under 35 U.S.C. §102(b) over U.S. Published Patent Application No. 2002/0127307 to McGill. Without conceding this rejection, claims 80 and 81 have been canceled. Withdrawal of the rejection is requested.

Claims 25, 27, 28, 31-36, 38-41, 43-46, 48, 49, 51, 52, 55-58, 74, 75, 77 and 78 were rejected under 35 U.S.C. §103(a) over McGill in view of U.S. Patent No. 6,071,006 to Hochstein et al. and Bennett. Additionally, a number of dependent claims were rejected under 35 U.S.C. §103(a) over McGill in view of Hochstein, Bennett and U.S. Patent No. 6,736,538 to Bittner. As discussed above, however, independent claims 25 and 49 have been amended to include subject matter that is lacking in the references of record. As such, Applicant submits that the rejection of independent claims 25 and 49 should be withdrawn. With regard to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejections is requested.

With regard to the rejections set forth in paragraphs 48-52 of the Office Action, these claims have been canceled, and Applicant submits that the rejections are therefore moot. Withdrawal of the rejections is requested.

Claim 58 was rejected under 35 U.S.C. §103(a) over McGill in view of Hochstein, Bennett and U.S. Patent No. 3,085,281 to Massman. The Massman patent, however, does not correct the deficiencies noted above with regard to independent claim 49. As such, Applicant submits that this dependent claim is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claims 76 and 79 were rejected under 35 U.S.C. §103(a) over McGill in view of Hochstein, Bennett and U.S. Patent No. 4,811,860 to Sorenson et al. With regard to claim 76, Applicant submits that the Sorenson patent similarly fails to correct the deficiencies noted above

with regard to independent claim 25. As such, Applicant submits that this dependent claim is allowable at least by virtue of its dependency on an allowable independent claim. Claim 79 has been canceled. Withdrawal of the rejection is requested.

Claims 82-86 have been added. Independent claim 82 includes similar features to those discussed above with regard to independent claims 25 and 49. Applicant notes that the European Patent Office has recently indicated that they may allow a claim corresponding to claim 82. Indeed, since the features defined in claim 82 are lacking in the references of record, Applicant submits that claim 82 is allowable. Claims 83-86 define additional features of the invention, and Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 14-1140.

McGILL
Appl. No. 10/566,974
April 13, 2010

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: /Alan M. Kagen/
Alan M. Kagen
Reg. No. 36,178

AMK:jls
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100